

ASSEMBLY BILL

No. 1466

Introduced by Assembly Member Koretz

February 21, 2003

An act to amend Section 42301 of, the Public Resources Code, relating to recycling.

LEGISLATIVE COUNSEL'S DIGEST

AB 1466, as introduced, Koretz. Rigid plastic packaging container.

Existing law, the California Integrated Waste Management Act of 1989, administered by the California Integrated Waste Management Board, requires every rigid plastic packaging container, as defined, sold or offered for sale in this state, to generally meet one of specified criteria, including having a specified recycling rate based on annual reports published by the California Integrated Waste Management Board.

This bill would define the term “plastic container” for purposes of those provisions and would revise the definition of recycling rate to instead include plastic containers.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 42301 of the Public Resources Code is
2 amended to read:
3 42301. For purposes of this chapter, the following definitions
4 apply:

1 (a) “Curbside collection program” means a recycling program
2 that collects materials set out by homeowners for collection at the
3 curb at intervals not less than every two weeks. “Curbside
4 collection program” does not include redemption centers,
5 buyback locations, drop-off programs, material recovery
6 facilities, or plastic recovery facilities.

7 (b) “Refillable package” means a rigid plastic packaging
8 container ~~which~~ that the board determines is routinely returned to
9 and refilled by the product manufacturer at least five times with the
10 original product contained by the package.

11 (c) “Reusable package” means a rigid plastic packaging
12 container ~~which~~ that the board determines is routinely reused by
13 consumers at least five times to store the original product
14 contained by the package.

15 (d) “Manufacturer” means the producer or generator of a
16 product ~~which~~ that is sold or offered for sale in the state and ~~which~~
17 that is stored inside of a rigid plastic packaging container.

18 (e) *“Plastic container” means a disposable, formed or molded*
19 *article comprised predominantly of plastic resin and having a*
20 *relatively inflexible finite shape or form including, but not limited*
21 *to, all plastic bottles, cups, trays, food containers including clam*
22 *shells, jars, tubs, crates, boxes, canisters, egg cartons, milk jugs,*
23 *compact disc jackets, or nursery plant containers. Plastic*
24 *container does not include a beverage container, as defined in*
25 *Section 14505.*

26 (f) “Rigid plastic packaging container” means any plastic
27 package having a relatively inflexible finite shape or form, with a
28 minimum capacity of eight fluid ounces or its equivalent volume
29 and a maximum capacity of five fluid gallons or its equivalent
30 volume, that is capable of maintaining its shape while holding
31 other products, including, but not limited to, bottles, cartons, and
32 other receptacles, for sale or distribution in the state.

33 ~~(f)~~

34 (g) “Postconsumer material” means a material that would
35 otherwise be destined for solid waste disposal, having completed
36 its intended end-use and product lifecycle. Postconsumer material
37 does not include materials and byproducts generated from, and
38 commonly reused within, an original manufacturing and
39 fabrication process.

40 ~~(g)~~

(h) “Recycled” means a product or material which has been reused in the production of another product and has been diverted from disposal in a landfill.

~~(h)~~

(i) “Recycling rate” means one of the following:

(1) The proportion, as measured by weight, volume, or number, that all ~~—rigid plastic packaging~~ containers, notwithstanding the size limitations set forth in subdivision ~~(d)~~ (e) or the exemption status as set forth in subdivisions (b) and (c) of Section 42340, in the aggregate, sold, or offered for sale in the state are being recycled in a given calendar year.

(2) The proportion, as measured by weight, volume, or number, that a PETE ~~rigid plastic packaging~~ container sold or offered for sale in the state is being recycled in a given calendar year, notwithstanding the size limitations set forth in subdivision ~~(d)~~ (e) or the exemption status as set forth in subdivisions (b) and (c) of Section 42340.

(3) The proportion, as measured by weight, volume, or number, that a particular type of ~~rigid plastic packaging~~ container sold or offered for sale in the state, such as a milk jug, soft drink container, or detergent bottle, is being recycled in a given calendar year.

(4) The proportion, as measured by weight, volume, or number, that a product-associated ~~rigid plastic packaging~~ container sold or offered for sale in the state is being recycled in a given calendar year.

(5) The proportion, as measured by weight, volume, or number, that a plastic container resin pursuant to Section 18015 is recycled in a given calendar year.

~~(i)~~

(j) (1) “Source reduced container” means either of the following:

(A) A rigid plastic packaging container for which the manufacturer seeks compliance as of January 1, 1995, whose package weight per unit or use of product has been reduced by 10 percent when compared with the packaging used for that product by the manufacturer from January 1, 1990, to December 31, 1994.

(B) A rigid plastic container for which the manufacturer seeks compliance after January 1, 1995, whose package weight per unit

1 or use of product has been reduced by 10 percent when compared
2 with one of the following:

3 (i) The packaging used for the product by the manufacturer on
4 January 1, 1995.

5 (ii) The packaging used for that product by the manufacturer
6 over the course of the first full year of commerce in this state.

7 (iii) The packaging used in commerce that same year for
8 similar products whose containers have not been considered
9 source reduced.

10 (2) A rigid plastic packaging container is not a source reduced
11 container for the purposes of this chapter if the packaging
12 reduction was achieved by any of the following:

13 (A) Substituting a different material type for a material which
14 previously constituted the principal material of the container.

15 (B) Increasing a container's weight per unit or use of product
16 after January 1, 1991.

17 (C) Packaging changes that adversely affect the potential for
18 the rigid plastic packaging container to be recycled or to be made
19 of postconsumer material.

20 ~~(j)~~

21 (k) "Product-associated rigid plastic packaging container"
22 means a brand-specific, rigid plastic packaging line ~~which that~~
23 may have one or more sizes, shapes, or designs and ~~which that~~ is
24 used in conjunction with a particular generic product line.

25 ~~(k)~~

26 (l) "PETE" means polyethylene terephthalate as specified in
27 subdivision (a) of Section 18015.

28 ~~(l)~~

29 (m) "HDPE" means high-density polyethylene.